

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD DECEMBER 9, 2004 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**     Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman;  
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;  
Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County  
Attorney

**A B S E N T**        None

**FAUQUIER COUNTY EMPLOYEE SERVICE AWARDS PROGRAM**

The Board of Supervisors attended the Fauquier County Employee Service Awards Program.

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO DISCUSS THE FEASIBILITY OF CONDUCTING A CITIZEN  
SATISFACTION SURVEY OF THE SERVICES PROVIDED BY LOCAL  
GOVERNMENT**

Catherine M. Heritage, Assistant County Administrator, led a presentation by Tom Guterbock, from the University of Virginia's Center for Survey Research, regarding the feasibility of conducting a citizen satisfaction survey of the services provided by local government.

**CLOSED SESSION REGARDING PERSONNEL MATTERS**

Mr. Atherton moved to go into a closed meeting pursuant to Virginia Code § 2.2-3711.A.1 for discussion of personnel matters related to the upcoming vacancy of the County Administrator position. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes:***                     ***Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G.  
Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:***                     ***None***  
***Absent During Vote:***   ***None***  
***Abstention:***           ***None***

Upon reconvening from the closed meeting, Mr. Atherton moved to adopt the following certification. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes:***                     ***Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G.  
Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:***                     ***None***  
***Absent During Vote:***   ***None***

***Abstention:*** *None*

### **CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 9th day of December 2004, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 p.m.

### **ADOPTION OF THE AGENDA**

Mr. Graham moved to adopt the agenda with the following changes. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

- Add regular agenda item #10, A Resolution Appointing Paul S. McCulla County Administrator and Kevin J. Burke Acting County Attorney.

### **CITIZENS' TIME**

- John McCarthy, County Administrator of Rappahannock County, and Mark Van De Water, Executive Director of the Rappahannock-Rapidan Regional Commission, presented a rocking chair to Mr. Lee on the occasion of his retirement as Fauquier County Administrator.

### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Atherton presented an award to G. Robert Lee for Citizen of the Year for Marshall District.

- Mr. Graham presented an award to Maddell Day for Citizen of the Year for Cedar Run District.
- Mr. Stribling presented an award to Wilbur Heflin for Citizen of the Year for Lee District.
- Mr. Downey presented an award to Lee Bell for Citizen of the Year for Scott District.
- Mr. Robison presented awards to Yak Lubowsky and Tom Harris for Citizen of the Year for Center District.
- Mr. Atherton announced A Proclamation to Honor Ellis Bingham Upon His Retirement for His Dedicated Service to the Citizens of Fauquier County.
- Mr. Atherton presented A Proclamation to Honor Billy Jenkins for His Dedicated Service to the Citizens of Fauquier County.
- Mr. Atherton presented A Proclamation to Recognize County Administrator G. Robert Lee for His Outstanding Service to the Board of Supervisors and the Citizens of Fauquier County.

### **CONSENT AGENDA**

Mr. Graham moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

### **Approval of the Minutes for the November 10, 2004 Regular Meeting of the Fauquier County Board of Supervisors**

### **A Resolution to Approve Donation of Funds to the Fauquier SPCA, Inc., for the Sale of Animal Friendly License Plates**

#### **RESOLUTION**

#### **A RESOLUTION TO APPROVE DONATION OF FUNDS TO THE FAUQUIER SPCA, INC., FOR THE SALE OF ANIMAL FRIENDLY LICENSE PLATES**

WHEREAS, the Department of Motor Vehicles sells Animal Friendly license plates as authorized by Section 46.2-749 of the Code of Virginia (1950), as amended, as part of its special license plate program; and

WHEREAS, a portion of the funds from the sale of the license plates are set aside in a special fund for distribution to localities to be used in support of sterilization programs for dogs and cats; and

WHEREAS, for Fiscal Year 2004, Fauquier County is entitled to the sum of \$2,415 from the sale of Animal Friendly license plates; and

WHEREAS, Fauquier County does not have a sterilization program; however, statute provides that the County may make the funds available to a local, private, non-profit organization which supports the purposes of the program; and

WHEREAS, the Fauquier SPCA, Inc., is a local, private, non-profit organization which has a sterilization program for dogs and cats and which has affirmed that funds donated will be used by that organization for the purposes of that program in accordance with Virginia Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That, upon receipt from the Department of Motor Vehicles, the sum of \$2,415 due to Fauquier County based on the sale of Animal Friendly license plates, as authorized by Section 46.2-749 of the Code of Virginia (1950), as amended, be, and is hereby, appropriated for donation to the Fauquier SPCA, Inc., for the exclusive use by that organization for the sterilization of dogs and cats.

**A Resolution to Authorize the Execution of a Deed of Vacation or Boundary Line Adjustment Between Two County Properties**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A DEED OF VACATION OR  
BOUNDARY LINE ADJUSTMENT BETWEEN TWO COUNTY PROPERTIES

WHEREAS, the renovations to the Fauquier County Adult Detention Center encroach slightly on an adjoining parcel, which is also in County ownership; and

WHEREAS, the encroachment may be cured by a boundary line adjustment or vacation of the boundary line between the two adjoining properties; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the County Administrator be, and is hereby, authorized to execute all documents necessary to cure the encroachment between the Adult Detention Center and the adjoining parcel in the manner deemed most expedient.

**A Resolution Concerning Acceptance of Mangum Court into the Secondary System of State Highways for Maintenance**

## RESOLUTION

### A RESOLUTION CONCERNING ACCEPTANCE OF MANGUM COURT INTO THE STATE HIGHWAY SECONDARY SYSTEM FOR MAINTENANCE

WHEREAS, Fauquier County was responsible for the construction of the public infrastructure at the Botha Subdivision, with assistance provided from Community Development Block Grant funding; and

WHEREAS, Mangum Court has been constructed and inspected by the Virginia Department of Transportation (VDOT) and found to be in compliance with State roadway construction standards; and

WHEREAS, the Fauquier County Board of Supervisors has previously passed a resolution requesting VDOT acceptance of Mangum Court for maintenance; and

WHEREAS, the State requires a financial guarantee for a one year period that the roadway will provide satisfactory performance in accordance with State guidelines; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of December 2004, That Fauquier County does hereby pledge financial resources in an amount not to exceed \$7,500 to guarantee the satisfactory performance of Mangum Court for the specific purpose of recovering all loss, cost, damage or expense incurred to correct faulty workmanship or materials associated with the construction for a period of one year from the date of its acceptance into the Secondary System of State Highways.

### **A Resolution to Authorize the Chairman of the Board of Supervisors to Accept the Dedication of Real Property in the Cedar Brooke Subdivision**

## RESOLUTION

### A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO ACCEPT THE DEDICATION OF REAL PROPERTY IN THE CEDAR BROOKE SUBDIVISION

WHEREAS, the Board of Supervisors, in Rezoning #RZ99-L-04, approved a Proffer Statement for the Reynard's Crossing Rezoning; and

WHEREAS, the Reynard's Crossing Proffer Statement required the dedication of a designated public use site to the County; and

WHEREAS, BRS, L.C., owner, has requested that the County accept the dedication of the designated public use site; and

WHEREAS, the Board of Supervisors has resolved to accept the designation of the public use site, pending receipt of a satisfactory environmental audit; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the Chairman of the Board of Supervisors be, and is hereby, authorized to accept the dedication of the designated site upon receipt of a satisfactory environmental audit.

**A Resolution for Subdivision Street Acceptance for Edgewood East Subdivision, Falling Creek Drive, Lee Magisterial District**

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR EDGEWOOD EAST SUBDIVISION, FALLING CREEK DRIVE, LEE MAGISTERIAL DISTRICT

WHEREAS, Falling Creek Drive, as depicted on the site location map and described on the Additions Form SR-5(A), is shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board of Supervisors that this street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described street into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Edgewood East Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 871, Page 898 approved on June 26, 2000, and in Deed Book 1040, Page 1798 approved on June 30, 2003; and, be it

RESOLVED FINALLY, That this resolution shall become effective, and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation, contingent upon receipt of completed CE-7 forms deemed acceptable by Virginia Department of Transportation.

**A Resolution for Subdivision Street Acceptance for Edgewood East Subdivision, Tiffany Drive, Lee Magisterial District**

## RESOLUTION

### A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR EDGEWOOD EAST SUBDIVISION, TIFFANY DRIVE, LEE MAGISTERIAL DISTRICT

WHEREAS, Tiffany Drive, as depicted on the site location map and described on the Additions Form SR-5(A), is shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board of Supervisors that this street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described street into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Edgewood East Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 871, Page 898 approved on June 26, 2000; and, be it

RESOLVED FINALLY, That this resolution shall become effective, and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation, contingent upon receipt of completed CE-7 forms deemed acceptable by Virginia Department of Transportation.

**A Resolution for Subdivision Street Acceptance for Edgewood East Subdivision, Whipkey Drive, Lee Magisterial District**

## RESOLUTION

### A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR EDGEWOOD EAST SUBDIVISION, WHIPKEY DRIVE, LEE MAGISTERIAL DISTRICT

WHEREAS, Whipkey Drive, as depicted on the site location map and described on the Additions Form SR-5(A), is shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board of Supervisors that this street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive Stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described street into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Edgewood East Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 871, Page 898 approved on June 26, 2000, and in Deed Book 1040, Page 1798 approved on June 30, 2003; and, be it

RESOLVED FINALLY, That this resolution shall become effective, and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation, contingent upon receipt of completed CE-7 forms deemed acceptable by Virginia Department of Transportation.

**A Resolution to Adopt the 2005-2006 Through 2010-2011 Secondary Road Six-Year Plan and the 2005-2006 Fiscal Year Budget**

RESOLUTION

A RESOLUTION TO ADOPT THE 2005-2006 THROUGH 2010-2011 SECONDARY ROAD SIX-YEAR PLAN AND THE 2005-2006 FISCAL YEAR BUDGET

WHEREAS, the 2005-2006 through 2010-2011 Secondary Construction Six-Year Plan and the 2005-2006 Fiscal Year Budget for Fauquier County was duly advertised for public hearing and said public hearing was held on November 10, 2004, and the items brought forth at the public hearing were duly considered; and

WHEREAS, on October 5, 2004, the Fauquier County's Transportation Committee recommended adoption of the Secondary Road Six Year Plan for 2005-2006 through 2010-2011 transportation priorities, which are outlined herein; and

WHEREAS, on November 10, 2004, the Board of Supervisors held a joint public hearing with the Virginia Department of Transportation and received public comment on the Six-Year Plan; now, therefore, be it



RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the 2005-2006 through 2010-2011 Secondary Construction Six-Year Plan and the 2005-2006 Fiscal Year Budget be, and is hereby, adopted as follows:

<u>Priority No.</u>	<u>Magisterial District</u>	<u>Route No.</u>	<u>PPMS No.</u>	<u>Route Name</u>	<u>Description of Work</u>
1.	Cedar Run	0612	52234	Tacketts Mill Road	Improve Sight Distance (HES Project)
2.	Cedar Run	0811	52238	Windwright Lane	Reconstruct Roadway
3.	Cedar Run	0602	12742	Rogues Road	Spot Improvements
4.	Marshall	0798	58119	Dulins Ford Road	Reconstruct Roadway
5.	Cedar Run	0748	56092	Eskridges Lane	Reconstruct Roadway
6.	Cedar Run	0790	50995	Boteler Road	Reconstruct Roadway
7.	Center/Scott	0605	11216	Dumfries Road	Construct Turning Lane
8.	Cedar Run	0806	18168	Elk Run Road	Improve Curve at Two Locations
9.	Lee	0668	71963	Savannah Branch Road	Reconstruct Bridge and Approaches
10.	Marshall	0688	67696	Leeds Manor Road	Cut Road to Improve Sight Distance
11.	Lee	1201	58118	Lucky Hill Road	Reconstruct Roadway
12.	Cedar Run	0806	64226	Elk Run Road	Close Open Ditches
13.	Marshall	0688	33998	Leeds Manor Road	Improvement for Curve and Alignment
14.	Marshall	0678	67698	Old Waterloo Road	Improve Sight Distance
15.	Center/Scott	0605	11217	Dumfries Road	Construct Turn Lane and Box Culvert
16.	Cedar Run	0674	67697	Green Road	Improve Sight Distance
17.	Marshall	0622	NEW	Whiting Road	Railroad Crossing
18.	Marshall	0738	67695	Wilson Road	Improve Sight Distance
19.	Marshall	0628	08107	Cannonball Gate Road	Reconstruct Roadway
20.	Lee	0823	71964	Spring Mill Road	Reconstruct Roadway
21.	Lee	0655	58123	Lucky Hill Road	Reconstruct Bridge Over Tinpot Run and Approaches
22.	Cedar Run	0605	17138	Dumfries Road	Reconstruct Roadway
23.	Center	0678	11159	Academy Hill Road	Reconstruct Bridge and Approaches
24.	Lee	0651	11153	Sumerduck Road	Reconstruct Bridge
25.	Cedar Run	0794	52240	Heddings Road	Reconstruct Roadway
26.	Scott	0673	08117	Baldwin Street	Reconstruct Roadway
27.	Scott/Center	0605	NEW	Dumfries Road	Reconstruct Roadway
28.	Scott	0600	71965	Broad Run Church Road	Reconstruct Roadway

**A Resolution to Authorize the Social Services Board and the Staff of the Department of Social Services to Support the Legislative Positions of the Virginia League of Social Services Executives**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE SOCIAL SERVICES BOARD AND THE STAFF OF THE DEPARTMENT OF SOCIAL SERVICES TO SUPPORT THE LEGISLATIVE POSITIONS OF THE VIRGINIA LEAGUE OF SOCIAL SERVICES EXECUTIVES

WHEREAS, the Virginia League of Social Services Executives (VLSSE) is a non-profit, non-partisan organization representing the interests of local Social Services Departments and their clients; and

WHEREAS, VLSSE annually prepares a legislative agenda to advocate for legislative and budgetary action with the Virginia General Assembly; and

WHEREAS, upon examination, the VLSSE legislative agenda fairly represents the interests of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That members of the Fauquier County Social Services Board and the staff of the Fauquier County Department of Social Services be, and are hereby, authorized to advocate for the adoption of legislation by the 2005 General Assembly consistent with the legislative agenda of the Virginia League of Social Services Executives.

**A Resolution Referring a Request to Withdraw from an Open Space Agreement with a Landowner to the Agricultural & Forestal Advisory Committee and Planning Commission**

RESOLUTION

A RESOLUTION REFERRING A REQUEST TO WITHDRAW FROM AN OPEN SPACE AGREEMENT WITH A LANDOWNER TO THE AGRICULTURAL & FORESTAL ADVISORY COMMITTEE AND PLANNING COMMISSION

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space, pursuant to Section 58.1-3233 of the Code of Virginia, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written Open Space Use Agreement between the landowner and the Board of Supervisors; and

WHEREAS, on March 31, 2004, an Open Space Use Agreement was entered into between the Board of Supervisors and David R. and Georgia K. Buckwalter; and

WHEREAS, on November 4, 2004, a request to withdraw from the Open Space Use Agreement was received from said landowners; and

WHEREAS, the Agreement stipulates in Section 11 that an agreement may be terminated in the manner provided in the Code of Virginia for withdrawal of land from an Agricultural & Forestal District; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the aforementioned request to terminate an Open Space Use Agreement be, and is hereby, referred to the Agricultural & Forestal Advisory Committee and Planning Commission for their recommendations; and, be it

RESOLVED FURTHER, That upon receipt of those recommendations, a public hearing shall be scheduled to consider the matter.

**An Ordinance Adopting a Text Amendment to the Zoning Ordinance to Create a Purchase of Development Rights Incentive District Within Service Districts**

Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE ADOPTING A TEXT AMENDMENT TO THE ZONING ORDINANCE TO  
CREATE A PURCHASE OF DEVELOPMENT RIGHTS INCENTIVE DISTRICT WITHIN  
SERVICE DISTRICTS

WHEREAS, Fauquier County has a key objective regarding the Purchase of Development Rights (PDR) Program criteria and encourages continued donation of conservation easements; and

WHEREAS, that objective is also consistent with stated objectives and recommendations within the adopted Comprehensive Plan; and

WHEREAS, on August 26, 2004, the Planning Commission held a public hearing on the issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on October 14, 2004, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That Sections 4-001 of Article 4 and 4-800 of Part 8 (new addition) of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:

## **ARTICLE 4**

### **SPECIAL AND OVERLAY DISTRICT REGULATIONS**

#### **PART 0 SPECIAL AND OVERLAY DISTRICTS IN GENERAL**

##### **4-001 SPECIAL AND OVERLAY DISTRICTS**

For the purpose of this ordinance, the following special and overlay districts are established:

Planned Residential Development District (PRD)  
Affordable Housing Overlay District (AH)  
Historic Area Overlay District (HA)  
Floodplain Overlay District (FP)  
Airport Area District (AP)  
Planned Commercial Industrial Development District (PCID)  
Planned Development Mixed Use District (PDMU)  
Conservation Easement ~~Purchase of Development Rights~~ Incentive Overlay District (~~PDRI~~) (CEI)

##### **4-002 General Provisions**

1. Purpose and Intent -- Special and overlay districts as established thereafter are created for the purpose of imposing special regulations in designated areas of the County to accomplish the stated purposes that are set forth for each district. Special districts are districts that are separately zoned and intended to allow for and encourage types of development other than that normally associated with conventional zoning districts. Overlay districts, on the other hand, are not separate districts but are for the purpose of establishing additional standards and requirements which shall overlay and overlap all other zoning districts within which land placed in each district shall also lie. As such, any parcel of land contained in an overlay district shall also lie in one or more of the other underlying zoning districts provided for in this ordinance.
2. Establishment -- Special districts, overlay districts and amendments thereto shall be established in the manner provided for all the Sections of this

ordinance below regulating such districts and by the procedures set forth in Article 13 of this Ordinance, unless such procedures are qualified or modified by the provisions of a particular special or overlay district as set forth herein.

**PART 8      ~~4-800 CONSERVATION EASEMENT PURCHASE OF DEVELOPMENT RIGHTS INCENTIVE OVERLAY DISTRICT (PDRI) (CEI)~~**

**4-801      Purpose and Intent**

The Conservation Easement Purchase of Development Rights Incentive Overlay District ~~(PDRI)~~ (CEI) is established in order to preserve agricultural resources, historic resources, open space and parks, and opportunities for future transportation improvements. More specifically, the objectives of the District are to further the County's Comprehensive Plan by:

1. Preserving agricultural uses outside of the Service Districts;
2. Establishing a hard open space edge around the perimeter of Service Districts;
3. Establishing parks and open space;
4. Preserving valued historic resources; and
5. Protecting future transportation corridors from encroaching development.

This provision provides an incentive for residentially zoned properties within designated Service Districts to contribute to the above objectives through the purchase of conservation easements ~~development rights~~. Residential projects within the Service Districts may apply for a special exception for additional density in exchange for contributing to the above objectives through the purchase of conservation easements ~~development rights~~, subject to the standards and procedures set forth in these provisions.

**4-802      Establishment of the Overlay District Boundaries**

The Conservation Easement Purchase of Development Rights Incentive District is hereby established as an overlay district in all Service Districts except the Village service districts of Calverton, Catlett and Midland. The boundaries of the overlay district shall be adjusted to conform to any amendments to Service District boundaries approved by the Board of Supervisors through the Comprehensive Plan process.

**4-803      Qualifying Purchase of Development Rights**

1. Location. Residential development rights must be acquired from properties in the RA, RC, R-1, R-2, ~~R-3~~ RR-2, V, or R-4 zoning district located within the service district or contiguous to the Service District boundaries wherein the project seeking the density bonus is located.

Conservation easements on ~~Development rights from~~ properties any part of which is located up to 5000 feet from the Service District boundaries may be considered upon a finding by the Board of Supervisors that the unique nature of the property on from which conservation easements ~~development rights~~ are being purchased contributes to the stated objectives because of ~~size~~-environmental or agricultural value, view sheds, historic value or some combination of these factors.

2. The easement and a deed restriction limiting the potential remaining developmental density, if any, allowed on the property shall be in a form acceptable to the Board.

2. 3. Incentive Items. The purchase of conservation easements ~~development rights~~ must achieve one or more of the following objectives:

- A. Agricultural and Environmental Preservation. The purchase of conservation easements ~~development rights~~ results in the recordation of a non-common open space easement pursuant to Section 2-700 on an RA or RC zoned property at least 30 acres in size, which is designated in the Comprehensive Plan for rural use.
- B. Open Space and Park Land. The purchase of conservation easements ~~development rights~~ results in the dedication of open space to the county or the recordation of open space easements resulting in the implementation of open space and linear park system elements adopted as part of the Comprehensive Plan. The open space provided must be in addition to the minimum amount required by the underlying district for the proposed residential development in the Service District, and the open space must be publicly accessible for open space and recreation purposes.
- C. Historic Resources. The purchase of conservation easements ~~development rights~~ contributes to the preservation and protection of Fauquier County historical sites, as designated in the Comprehensive Plan, through the removal of all development rights on the parcel or parcels where historic resources are located.
- D. Transportation Corridors. The purchase of conservation easements ~~development rights~~ removes development potential from affected parcels within a transportation corridor identified in the County's adopted Comprehensive Plan and or which is part of the transportation must be part of the Board of Supervisors 6-Year Transportation Improvements program. Such transportation improvements must be in addition to any transportation improvements in the project's specific neighborhood which are required to support the proposed development.

**4-804****Calculation of Maximum Density Bonus**

1. No more than one additional unit shall be allowed within a project in the qualifying service district for each qualifying development right extinguished through the purchase of conservation easements ~~development rights~~. The number of extinguished development rights shall be calculated by the Board based on:
  - A. the provisions of Section 2-308.2 and 2-308.3 for the RA RC rural zoning districts; and
  - B. the provisions of 3-401 and Section 2-308.4 for R-1, R-2, ~~R-3~~ RR-2, V, and R-4 zoned properties.
2. The total increase in units authorized under this provision for any project shall not exceed 30 percent of those allowed by the underlying zoning.
3. The total density in any project, including the bonus density available under this provision, shall not exceed the density set forth in the Comprehensive Plan for that location.
4. The resulting subdivision shall be clustered in accordance with the provisions of Section 2-406 of the Zoning Ordinance, except that the Board of Supervisors may reduce the open space required in the Zoning Ordinance to accommodate the additional density. The open space reduction results from subtracting the cumulative acreage resulting from the added units, based on their designated minimum lot size established for the respective and receiving zoning district classification, along with the associated public street extension or additions. The open space shall not be reduced below that depicted in Section 2-406.2 (R-1: 25%; R-2: 20%; R-3 and R-4: 15%).
5. Not all extinguished development rights need be used at once. A developer may bank them and use them within ten years for another qualifying project or projects or sell them to a third party who may use them for another qualifying project or projects within the same ten year period.

**4-805****Procedures**

1. No increase in density pursuant to this provision shall be established and no preliminary plat shall be approved reflecting such increase in density unless and until a special exception is approved by the Board of Supervisors granting such increase in density pursuant to the requirements of this provision.

2. The special exception application shall be filed pursuant to the procedures set forth in Section 5-009 and the requirements set forth in Section 5-011. ~~In addition, the Zoning Administrator may require submission of any additional information required to determine the number of development rights extinguished in conjunction with the application.~~ In addition to the factors set forth in the above-referenced sections, the Board ~~may~~ shall consider the ~~existence of suitability of the soil for drainfields, and other factors affecting the development potential of the property in determining the number of development rights which are deemed to be extinguished by the easement relationship between the land proposed for the conservation easement and the land proposed for the density bonus and how the proposed easement and development affects the public health, safety, convenience and welfare of Fauquier citizens including the goals that residential areas be provided with healthy surroundings for family life, that agricultural and forestal land be preserved, that the growth of the community be consonant with the efficient and economical use of public funds, and that good zoning practices be followed.~~
3. No final construction plans, final plat, infrastructure plan, utility plan, grading permit or building permit shall be approved for any project wherein a special exception has been granted for an increase in density pursuant to this provision until such time as recorded easements are in place extinguishing development rights on all properties contributing to the density bonus.

#### **4-806**

#### **Standards for Approval of Special Exception**

The proposed project shall conform to all applicable general standards set forth for all special exceptions in Section 5-006. In addition, the following standards must be met in order for the Board to approve a special exception for a density increase under this provision:

1. Each of the extinguished development rights proposed in exchange for the density increase shall qualify pursuant to the standards set forth in Section 4-803, above.
2. The proposed project complies with all other requirements of the zoning ordinance, with no reduction sought by special exception for open space within the project except as provided in Section 4-804(4).
3. The overall project density is consistent with the Comprehensive plan and compatible with adjoining neighborhoods.
4. The road and street systems ~~is~~ are adequate to support the increased density, or appropriate road improvements are proposed and funded by the applicant as part of the development application.



**A RESOLUTION TO AMEND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$120,466.36**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**RESOLUTION**

**A RESOLUTION TO AMEND THE FY 2005 ADOPTED BUDGET  
IN THE AMOUNT OF \$120,466.36**

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 29, 2004 the Fauquier County Board of Supervisors adopted the Fauquier County FY 2005 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee is requesting Board of Supervisors consideration of \$120,466.36 in requests from the Committee's November meeting to amend the budget for the purposes set forth below; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of December 2004, That the FY 2005 Budget be, and is hereby, amended in the amount of \$120,466.36 as follows:

<b>Source</b>	<b>FROM Code</b>	<b>Amount</b>	<b>Department</b>	<b>TO Code</b>	<b>Amount</b>
<u>FY 2005</u>					
State Funds	3-100-244100-0150	\$1,299	Sheriff's Office	4-100-031240-8201	\$1,299
State Funds	3-271-244100-0090	\$19,425	Fire & Emergency Services	4-271-032420-6004	\$19,425
Fire & Rescue Association	4-270-032250-3160	\$1,058	Fire & Emergency Services	4-271-032420-1201	\$1,058
Donation	3-302-189903-0001	\$4,000	Library	4-302-073100-8301	\$4,000
Miscellaneous	3-100-18900-0050	\$5,554.36	Registrar	4-100-013200-1302	\$5,554.36
Building Permit Fees	3-100-133000-0008	\$54,130	Community Development	4-100-081200-1101	\$40,000
				4-100-081200-2100	\$3,060
				4-100-081200-2210	\$4,400
				4-100-081200-2310	\$4,714
				4-100-081200-2400	\$456
				4-1000-81200-6050	\$1,500

Contingency Reserve – 4-100-091400-9999  
Transfer

\$35,000

Community  
Development –  
Planning Commission

4-100-081400-3160

\$35,000

TOTAL

\$120,466.36

\$120,466.36

**A RESOLUTION TO REQUEST THE CIRCUIT COURT TO ORDER A SPECIAL ELECTION ON THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$39,615,000 AND TO AUTHORIZE SUCH BONDS**

Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION

A RESOLUTION TO REQUEST THE CIRCUIT COURT TO ORDER A SPECIAL ELECTION ON THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$39,615,000 AND TO AUTHORIZE SUCH BONDS

WHEREAS, the School Board (the “School Board”) of Fauquier County, Virginia (the “County”), has determined that it is necessary to undertake the acquisition, construction and equipping of a new high school in the County (the “Project”), and that the cost of the Project, together with related financing costs, is estimated to be \$50,615,000; and

WHEREAS, on November 22, 2004, the School Board adopted a resolution requesting the Fauquier County Board of Supervisors (the “Board of Supervisors”) to determine the advisability of contracting a debt and issuing general obligation school bonds of the County to finance, in part, the costs of the Project and to request the Circuit Court to order a special election on the question of the proposed issuance of such bonds; and

WHEREAS, the Board of Supervisors desires to request the ordering of an election on the question of contracting a debt in an amount not to exceed \$39,615,000 to finance the costs of the Project; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December, 2004, That the Board does hereby determine that it is necessary and expedient to undertake the Project which will promote the public welfare of the County and its inhabitants; and, be it

RESOLVED FURTHER, That the Board of Supervisors determines that it is advisable to contract a debt and issue general obligation school bonds of the County in the maximum principal amount of \$39,615,000 (the “Bonds”) pursuant to the Public Finance Act of 1991, to

provide funds, together with other available funds of the County, to finance the costs of the Project and to pay costs of issuing the Bonds. Subject to the approval by a majority of the voters of the County at referendum called for such purpose, the issuance of such Bonds be, and is hereby, authorized; and, be it

RESOLVED FURTHER, That the Bonds shall bear such date or dates, mature at such time or times not exceeding forty years from their dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Board of Supervisors shall hereafter provide by appropriate resolution or resolutions; and, be it

RESOLVED FURTHER, That the Bonds shall be general obligations of the County for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby request the Circuit Court of Fauquier County, Virginia, to order an election to be held pursuant to Sections 15.2-2610 and 15.2-2611 of the Code of Virginia of 1950, as amended, on the question of contracting a debt and issuing the Bonds for such purposes. The Board of Supervisors hereby requests that the Circuit Court order the ballot question to be worded in substantially the following form:

QUESTION: Shall the County of Fauquier, Virginia, contract a debt and issue its general obligation school bonds in the maximum amount of Thirty-Nine Million Six Hundred Fifteen Thousand Dollars (\$39,615,000) to provide funds, together with other available funds, to acquire, construct and equip a new high school in the County?

; and, it be

RESOLVED FINALLY, That the Clerk of the Board of Supervisors, in collaboration with the County Attorney, be, and is hereby, authorized and directed to see to the immediate filing of a certified copy of this resolution to be filed with the Circuit Court of Fauquier County, Virginia.

**A RESOLUTION APPOINTING PAUL S. MCCULLA COUNTY ADMINISTRATOR AND KEVIN J. BURKE ACTING COUNTY ATTORNEY**

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION APPOINTING PAUL S. McCULLA COUNTY ADMINISTRATOR AND KEVIN J. BURKE ACTING COUNTY ATTORNEY

WHEREAS, G. Robert Lee, Fauquier County Administrator, has announced his retirement from the position of Fauquier County Administrator effective February 28, 2005; and

WHEREAS, January 3, 2005 will be G. Robert Lee's last official work day as Fauquier County Administrator; and

WHEREAS, the Fauquier County Board of Supervisors has instituted a search for a new County Administrator; and

WHEREAS, the Fauquier County Board of Supervisors has determined that Paul S. McCulla, who has been in the employ of the Board of Supervisors for 15 years, first as the Deputy County Attorney and for the last 13 years as the County Attorney, is uniquely qualified for the position of County Administrator based upon his knowledge of the County, its government and the Board's philosophy on land use and other matters; and

WHEREAS, the Board of Supervisors desires to appoint Paul S. McCulla County Administrator for the County of Fauquier on the terms and conditions as are hereinafter set forth; and

WHEREAS, the Board of Supervisors of Fauquier County desires to appoint Kevin J. Burke as Acting County Attorney for the County of Fauquier on the terms and conditions as are hereinafter set forth; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That Paul S. McCulla be, and is hereby, appointed Acting County Administrator effective as of 5:00 P.M. January 3, 2005 through 5:00 PM February 28, 2005, at an annual salary of \$132,895.64, and on such terms and conditions as are contained in the Employment Agreement submitted with the agenda item; and, be it

RESOLVED FURTHER, That Paul S. McCulla be, and is hereby, appointed County Administrator effective as of 5:00 PM. February 28, 2005, at the annual salary as set forth above and on such terms and conditions as are contained in the aforementioned Employment Agreement; and, be it

RESOLVED FURTHER, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the Employment Agreement on behalf of the Board of Supervisors; and, be it

RESOLVED FURTHER, That Kevin J. Burke be, and is hereby, appointed Acting County Attorney effective January 4, 2005, at an annual salary of \$110,981.32; and, be it

RESOLVED FURTHER, That Kevin J. Burke be, and is hereby, authorized to appoint an Acting Deputy County Attorney; and, be it

RESOLVED FINALLY, That the process for selecting a County Administrator be, and is hereby, completed and the Director of Human Resources be, and is hereby, directed to express the Board of Supervisors' gratitude to all applicants for the position.

### **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- Airport Committee – Lee District: Frank Raider appointed to fill an unexpired term ending December 31, 2007.
- Planning Commission – Marshall District: Ann McCarty reappointed with a term to expire December 31, 2008.
- Disability Services Board - Business Representative: Denny Sutherland appointed to fill an unexpired term ending February 19, 2005.
- Disability Services Board – Business Representative: Carl Bailey appointed with a term to expire December 9, 2007.
- Rappahannock Rapidan Community Services Board: David Lambelet reappointed with a term to expire December 31, 2007.

### **SUPERVISORS' TIME**

- Mr. Robison stated that the Fauquier County has been blessed to have Bob Lee as the steward of County government for the past 15 years, and expressed thanks and appreciation to Mr. Lee for his many years of service. Mr. Robison said he is also grateful that Paul McCulla has accepted the offer to assume the County Administrator's position.
- Mr. Stribling stated it has been a pleasure to work with Bob Lee, and he is looking forward to working with Paul McCulla in the future.
- Mr. Atherton expressed his thanks to Bob Lee, and stated he is looking forward to working with Paul McCulla in a different capacity.
- Mr. Graham stated that Bob Lee was the right person, in the right place, at the right time to ensure the protection of Fauquier County. Mr. Graham also said that Mr. Lee has tremendous integrity, is a true gentleman, and has earned his considerable respect.
- Mr. Downey stated that the Board should have also proclaimed December 9<sup>th</sup> as "Bob Lee Day."

## **ANNOUNCEMENTS**

Mr. Lee had no announcements.

### **A RESOLUTION TO AMEND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$1,435,065**

A public hearing was held to consider various budget related issues in the amount of \$1,410,065 in appropriations for FY 2005 and \$25,000 in transfers. Bryan Tippie, Finance and Budget Office Director, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

## **RESOLUTION**

### **A RESOLUTION TO AMEND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$1,435,065**

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 29, 2004 the Fauquier County Board of Supervisors adopted the Fauquier County FY 2005 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at the October meeting, the Chairman of the Finance Committee recommended FY 2005 budget adjustments of \$1,410,065 for the purposes set forth below; and

WHEREAS, on December 9, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of December 2004, That the FY 2005 Budget be, and is hereby, amended in the amount of \$1,435,065 as follows:

<b>Source</b>	<b>FROM Code</b>	<b>Amount</b>	<b>Department</b>	<b>TO Code</b>	<b>Amount</b>
<b><u>FY 2005</u></b>					
Insurance	3-100-411000-0010	\$3,508	Sheriff's Office	4-100-031200-3311	\$3,508
Reimbursement					

School Funds	3-205-189913-0008	\$2,650	School Division	4-205-64200-6047-900-000	\$2,650
Insurance Reimbursement	3-100-411000-0010	\$6,138	School Division	4-205-61100-6047-305-100	\$6,138
Federal Funds	3-100-332000-0090	\$41,297	School Division	4-205-61100-6013-300-100	\$41,297
State Funds	3-205-242000-0060	\$46,078	School Division	4-205-61104-6013-300-100	\$46,078
Donation	3-240-189300-0050	\$100,000	Agriculture (Purchase of Development Rights)	4-240-081800-6099	\$100,000
Capital Fund Balance – Carryover	3-302-419000-0010	\$36,646	General Services (Courthouse Maintenance Fees)	4-100-043417-3310	\$36,646
Donation	3-302-189903-0001	\$4,000	Library – Bealeton Depot	4-302-073100-8301	\$4,000
Fund Balance – Carryover	3-100-419000-0010	\$383,407	School Division	4-205-64210-3160-900-000	\$383,407
Fund Balance – Carryover	3-100-419000-0010	\$61,129	School Division	4-205-64220-3160-900-000	\$61,129
State Funds	3-205-242000-0068	\$4,998	School Division	4-205-061100-6047-300-100	\$4,998
F&R Fund Balance – Carryover	3-270-419000-0010	\$33,360	Fire & Rescue	4-270-032200-5699	\$33,360
Proffer Donation	3-280-189310-0060	\$50,000	Fire & Rescue	4-270-032310-5647	\$50,000
F&R Fund Balance – Carryover	3-270-419000-0010	\$101,800	Fire & Rescue – Remington	4-270-032302-5647	\$101,800
Fund Balance – Carryover	3-100-419000-0010	\$18,042	Water Resource Management	4-100-082200-1302 4-100-082200-2100 4-100-082200-3160	\$10,737 \$2,992 \$4,313
Fund Balance – Carryover	3-100-419000-0010	\$479,011	General Assessment	4-100-012320-1701 4-100-012320-2100 4-100-012320-3160 4-100-012320-3170 4-100-012320-3180 4-100-012320-3320 4-100-012320-3500 4-100-012320-4200 4-100-012320-5210 4-100-012320-5230 4-100-012320-5410 4-100-012320-5420 4-100-012320-6001 4-100-012320-6025 4-100-012320-6047 4-100-012320-6050	\$30,570 \$2,340 \$2,320 \$3,680 \$413,055 \$400 \$1,550 \$50 \$50 \$5,712 \$1,104 \$11,600 \$2,700 \$700 \$950 \$2,230
Fund Balance – Carryover	3-100-419000-0010	\$30,000	Budget Office (Custom Meat Processing)	4-100-081600-5697	\$30,000
Joint Communications Fund Balance	3-220-419000-0010	\$8,001	Joint Communications (Street Signs)	4-220-031410-3160	\$8,001
Contingency Reserve (Transfer)	4-100-091400-9999	\$25,000	County Administration (Emergency Disaster Assistance)	4-100-091400-TBD	\$25,000
TOTAL		\$1,435,065			\$1,435,065

**FY 2004 CAPITAL IMPROVEMENTS PROGRAM REVISION AND APPROPRIATION  
OF \$3,650,000 FOR CLAUDE THOMPSON ELEMENTARY SCHOOL RENOVATION**

A public hearing was held to consider a proposed amendment to the FY 2004 - FY 2008 Capital Improvements Plan, and appropriation of an additional \$3,650,000 for renovations to Claude Thompson Elementary School. Bryan Tippie, Finance and Budget Office Director, gave a summary of the proposed amendment. Duke Bland, Marshall District; and Earsaline Anderson, Center District, spoke in favor of an appropriation for the renovation of Claude Thompson Elementary School. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO AMEND THE FY 2004 - 2008 CAPITAL IMPROVEMENTS PROGRAM (CIP) AND APPROPRIATE AN ADDITIONAL \$3,650,000 FOR RENOVATION OF CLAUDE THOMPSON ELEMENTARY SCHOOL**

WHEREAS, on March 25, 2003, the Board of Supervisors' adopted the FY 2004 - 2008 Capital Improvements Program (CIP); and

WHEREAS, included in the adopted CIP was \$3,144,000 for the renovation of Claude Thompson Elementary School, which was appropriated in two equal amounts of \$1,572,000 in FY 2004 and FY 2005; and

WHEREAS, in May of fiscal year 2004, the School architects provided a revised estimate of the renovation costs significantly greater than originally projected; and

WHEREAS, the School Board, after conducting a number of work sessions and public hearings, adopted a modified renovation plan which requires \$3,650,000 in additional funding support to complete the project; and

WHEREAS, in a November 10, 2004 Board of Supervisors' work session, the School Board requested an amendment to the CIP and \$3,650,000 in additional appropriations to support the modified plan to renovate Claude Thompson Elementary School; and

WHEREAS, on December 9, 2004, a public hearing was held to solicit comments from Fauquier County citizens on the proposed amendment to the CIP and increased appropriations to renovate Claude Thompson Elementary School; now, therefore, be it



RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the FY 2004 – 2008 Capital Improvements Program be, and is hereby, amended to increase the FY 2005 funding for the Claude Thompson Elementary School by \$3,650,000; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby direct the Finance Department to coordinate the necessary actions to obtain the \$3,650,000 in the most appropriate manner to support the Claude Thompson Elementary School renovation.

**AN ORDINANCE AMENDING FAUQUIER COUNTY CODE SECTION 8-32 TO INCREASE THE E-911 LEVY FROM \$2.00 TO \$3.00 PER MONTH PER ACCESS LINE AND TO EXEMPT FROM PAYMENT OF THE TAX ANY SUBSCRIBER OF INDIVIDUAL TELEPHONE SERVICE WHO RESIDES IN A NURSING HOME OR SIMILAR ADULT CARE FACILITY**

A public hearing was held to consider a proposed Ordinance amending Fauquier County Code Section 8-32 to increase the E-911 levy from \$2.00 to \$3.00 per month per access line, and to exempt from payment of the tax any subscriber of individual telephone service who resides in a nursing home or similar adult care facility. Anthony I. Hooper, Deputy County Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

ORDINANCE

**AN ORDINANCE AMENDING FAUQUIER COUNTY CODE SECTION 8-32 TO INCREASE THE E-911 LEVY FROM \$2.00 TO \$3.00 PER MONTH PER ACCESS LINE AND TO EXEMPT FROM PAYMENT OF THE TAX ANY SUBSCRIBER TO INDIVIDUAL TELEPHONE SERVICE WHO RESIDES IN A NURSING HOME OR SIMILAR ADULT CARE FACILITY**

WHEREAS, Section 8-32 of the Code of Fauquier County imposes a \$2.00 per month, per line, tax on consumers of telephone services to pay for the construction, operation, and maintenance of the County's Joint Communications Center E-911 system; and

WHEREAS, the present \$2.00 tax is insufficient to pay for the present cost of the construction, operation, and maintenance of the County's Joint Communications Center E-911 system; and

WHEREAS, the Public Safety Committee has unanimously recommended that the Board of Supervisors consider amending Section 8-32 of the Code of Fauquier County to increase the E-911 tax to \$3.00 per month per line; and

WHEREAS, the Public Safety Committee has unanimously recommended that the Board of Supervisors consider amending Section 8-32 of the Code of Fauquier County to exempt from the payment of the E-911 tax any subscriber to individual telephone service who resides in a nursing home or similar adult care facility; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that it is in the best interest of the citizens of Fauquier County to amend Section 8-32 of the Code of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of December 2004, That Fauquier County Code Section 8-32 be, and is hereby, amended to read as follows:

Sec. 8-32. Levy and rate, effective date, exemptions.

Pursuant to Section 58.1-3813, Code of Virginia, there is hereby imposed a special tax on consumers of telephone service in the amount of three dollars (\$3.00) per month for each access line.

The tax imposed herein shall be first utilized solely for the initial capital, installation, and maintenance cost of the E-911 emergency telephone system and the costs of salaries or portions of salaries of dispatchers and all takers which are directly attributable to the E-911 program only. This levy shall be reduced when the capital and installation costs have been fully recovered to the level necessary to offset recurring maintenance repairs, system upgrades and the costs of salaries or portions of salaries of dispatchers and call takers which are directly attributable to the E-911 program only.

This levy shall not apply to Federal, State, or local government agencies or to any subscriber to individual telephone service who resides in a nursing home or similar adult care facility.

**PROPOSED BOUNDARY ADJUSTMENT OF 3.3889 ACRES OWNED BY MARK SONDER AND ROXANNE SONDER INTO THE COUNTY OF WARREN**

A public hearing was held to consider a proposed boundary adjustment agreement adjusting 3.889 acres, identified as the property of Mark Sonder and Roxanne Sonder, PIN 6002-72-9706-000, into the County of Warren. Mr. Atherton summarized the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A BOUNDARY ADJUSTMENT AGREEMENT ADJUSTING A 3.389 ACRE PARCEL OF LAND INTO WARREN COUNTY

WHEREAS, Mark Sonder and Roxanne Sonder are the owners of a tract of land containing 3.3889 acres, said parcel being more particularly described as PIN 6002-72-9706, as shown on that Plat of Boundary Line Adjustment Between the County of Warren and the County of Fauquier by Joseph G. Brogan, CLS, dated September 16, 2004; and

WHEREAS, the Board of Supervisors has, by the adoption of this resolution, determined it to be in the best interest of the County to adjust the 3.3889 acre parcel of land into the County of Warren; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of December 2004, That the County Administrator be, and is hereby, authorized to execute a boundary adjustment agreement adjusting a 3.3889 parcel, being more particularly described as PIN 6002-72-9706 as shown on that Plat of Boundary Line Adjustment Between the County of Warren and the County of Fauquier by Joseph G. Brogan, CLS, dated September 16, 2004, into the County of Warren; and, be it

FURTHER RESOLVED, That the County Administrator and County Attorney be, and are hereby, authorized to take all actions necessary to obtain approval of the boundary adjustment by the appropriate Circuit Court and the United States Department of Justice.

### **CONSIDER APPROVAL OF A CONTRACT FOR THE LEASE AND OPERATION OF A FIXED BASE OPERATOR (FBO) CONCESSION AT THE WARRENTON-FAUQUIER AIRPORT**

A public hearing was held to consider approval of a contract for the lease and operation of a Fixed Base Operator (FBO) Concession Services at the Warrenton-Fauquier Airport. Anthony I. Hooper, Deputy County Administrator, summarized the proposed contract. Chuck Medvitz, Scott District, spoke in favor of approving the contract. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION TO AWARD A CONTRACT FOR THE LEASE AND OPERATION OF A FIXED BASE OPERATOR (FBO) CONCESSION AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, on December 31, 2004, the existing lease for Fixed Base Operator (FBO) services at the Warrenton-Fauquier Airport expires; and

WHEREAS, the Fauquier County Airport Committee and County staff have solicited and evaluated request for proposals for FBO services; and

WHEREAS, the Fauquier County Airport Committee has recommended that Essar Aviation, LLC, be awarded the lease; and

WHEREAS, a draft lease has been prepared and was the subject of a public hearing held on December 9, 2004; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of December 2004, That the County Administrator be, and is hereby, authorized to execute a lease with Essar Aviation, LLC, for the operation of a fixed base operator concession at the Warrenton-Fauquier Airport.

### **PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 3-302 REGARDING HOME OCCUPATIONS IN COMMERCIAL AND INDUSTRIAL ZONES**

A public hearing was held to consider a proposed text amendment to Section 3-302 of the Zoning Ordinance to allow residential businesses in Commercial and Industrial Zones. Todd Benson, Assistant Zoning Administrator, summarized the proposed Zoning Ordinance text amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

## ORDINANCE

### AN ORDINANCE AMENDMENT TO THE FAUQUIER COUNTY ZONING ORDINANCE TO ALLOW RESIDENTIAL BUSINESSES IN THE C-2, C-3, I-1 AND I-2 ZONING DISTRICTS, SUBJECT TO THE LIMITATIONS OF SECTIONS 5-203, 5-204 AND 5-205

WHEREAS, on August 26, 2004 and October 28, 2004, the Planning Commission held public hearings on the issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on December 9, 2004, the Fauquier County Board of Supervisors held a public hearing on the proposed text amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with the adopted Comprehensive Plan, consistent with good zoning practices, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of December 2004, That Sections 3-302, 5-203, 5-204, and 5-205 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:

<b>3-302 RESIDENTIAL BUSINESSES (CATEGORY 2)</b>																		
	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C1	C2	C3	CV	I1	I2
1. Home occupation with no retail sales or service		P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
2. Home occupation with retail sales <del>or</del> service		SP	SP	SP	P	SP	SP	SP	SP	SP	SP	SP	P	<u>P</u>	<u>P</u>	P		
3. Home occupation with service <del>only</del>		P	P	P	P	P	SP	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
4. Small contracting business		SP	SP		SP									<u>SP</u>			<u>SP</u>	<u>SP</u>
5. Cottage industries		SP	SP		SP									<u>SP</u>			<u>SP</u>	<u>SP</u>
6. Auto repair garage	X	SP	SP	SP														

### **5-203 Additional Standards for Small Contracting Businesses**

1. The minimum lot size requirement shall be five (5) acres.
2. All off-street parking and loading spaces, storage and loading areas, storage and structures which are related to such use shall be located not less than fifty (50) feet from any lot line.
3. Not more than five (5) persons shall be engaged in the on-site operation of the business.
4. Not more than five (5) vehicles in excess of 3/4 ton and/or pieces of equipment shall be operated from the site or stored there overnight.
5. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the particular use is such that it will not cause an undue impact on the neighbors or adversely effect safety of road usage.
6. The area covered by all structures used in connection with such a use shall not exceed a total of five thousand (5,000) square feet.
7. The area covered by any outdoor storage in connection with such a use shall not exceed a total of five thousand (5,000) square feet.
8. All parking, loading and open storage shall be effectively screened from view.
9. A special permit may be issued for a period not to exceed one year, and each permittee shall apply annually to the Zoning Administrator for a renewal of his permit, should he so desire. If the Zoning Administrator determines that all of the conditions under which the permit was issued have continued to be complied with, and that there have been no changed conditions, the Administrator shall renew said permit for an additional period of one year. If, however, the permittee has not complied with each and every one of the conditions imposed upon him, or in the event of changed conditions, the Zoning Administrator shall revoke the temporary special permit in accordance with the provisions of Section 015.
10. Small Contracting Businesses include the following uses and those uses determined by the Zoning Administrator to be sufficiently similar thereto in terms of type, scale and impact.
  - A. Construction and/or repair of building, roads, fencing and utility lines.
  - B. Installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling.
  - C. Excavating.

D. Custom farming not in conjunction with a farming operation.

11. Small Contracting Businesses must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in any accessory building thereto which is normally associated with a residential use.

#### **5-204 Additional Standards for Cottage Industries**

1. Such uses shall be permitted as a home occupation in accordance with Section 6-302 and shall not be listed in Section 6-303 or similar thereto. Such use may also include production of products requiring trade skills such as carpentry, plumbing, electrical and printing.
2. A cottage industry ~~shall be conducted on the same lot as contains the bona fide residence of the proprietor of same business.~~ must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in any accessory building thereto which is normally associated with a residential use.
3. Not more than two (2) persons, other than bona fide residents of the site, shall be engaged in the operation of the business, including part time employees.
4. Such a use shall be conducted within the dwelling of the proprietor or within a separate structure not exceeding one story or 1,000 square feet in gross area and shall be located to the rear of the proprietor's dwelling.
5. Except for articles produced or substantially repaired on the premises, no stock in trade shall be displayed, stored or sold on the premises. "Substantially repaired" shall be deemed to include only repairs adding 100% to the value of an article.
6. No outside storage, display or sales of equipment, materials or stock in trade related to the business shall be allowed.
7. Signs shall be limited to those allowed for home occupations in the zoning district where located.
8. Off-street parking and loading for the use shall be in accordance with the provisions of Article 7 in addition to that required for the dwelling unit and shall not be located on any required yard.

#### **5-205 Additional Standards for Auto Repair Garages**

1. ~~Must be conducted on the same lot as the proprietor of the business.~~ Must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in any accessory building thereto which is normally associated with a residential use.
2. All employees must reside on the lot and shall not exceed two.

3. All work shall be accomplished and vehicles in excess of two shall be located in a completely screened area and shall not be in any required yard.
4. A minimum of 2 acres shall be required.
5. Limited to 6 vehicles.

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 8, SIGNS; SECTION 9-1000, OUTDOOR LIGHT CONTROL; AND SECTION 15-300, DEFINITIONS TO INCORPORATE ADDITIONAL LIMITATIONS ON OUTDOOR ILLUMINATION**

A public hearing was held to consider a proposed Zoning Ordinance text amendment designed to clarify and strengthen existing lighting regulations. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendments. Larry Kavolik, Center District, spoke in favor of the text amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**ORDINANCE**

**AN ORDINANCE ADOPTING A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 8, SIGNS; SECTION 9-1000, OUTDOOR LIGHT CONTROL; AND SECTION 15-300, DEFINITIONS; TO INCORPORATE ADDITIONAL LIMITATIONS ON OUTDOOR ILLUMINATION**

WHEREAS, on August 26, 2004, the Planning Commission held a public hearing on the issue and, on October 28, 2004, forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on December 9, 2004, the Fauquier County Board of Supervisors held a public hearing on the proposed text amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with the adopted Comprehensive Plan, consistent with good zoning practices, and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of December 2004, That Article 9, Part 10, and Section 15-300 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:



## **PART 10**

### **9-1000**

## **OUTDOOR LIGHT CONTROL**

### **9-1001**

#### **Purpose and Intent**

The purposes of the outdoor lighting regulations are to protect dark skies, the general welfare by controlling the spillover of light onto adjacent properties, and the public safety by preventing glare from outdoor luminaries, and to limit the intensity of light on certain adjacent areas, roadways and properties as provided herein.

### **9-1002**

#### **Conformance with Applicable Codes and Ordinances**

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Article, and applicable provisions of the Zoning Ordinance. Where there is conflict between the provisions of this Article and applicable provisions of the Zoning Ordinance, the most restrictive shall govern.

### **9-1003**

#### **Approved Materials and Methods of Installation**

The provisions of this Article are not intended to prevent the use of any equipment, material or method of installation not specifically prescribed by this Article provided the alternative has been approved by the Zoning Administrator. The Zoning Administrator may approve any such alternative provided that the proposed design provides the approximate equivalence to the specific requirements of this Article.

*This next section, Definitions, is recommended to be deleted from Part 9, with the definitions placed in 15-300, Definitions. All subsequent sections will need to be renumbered.*

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### **9-1004**

#### **Definitions**

1. Outdoor Light Fixtures shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:
  - a. buildings and structures, including canopies and overhangs
  - b. recreational areas
  - c. parking lot lighting
  - d. landscape lighting
  - e. signs, including billboards
  - f. display and service areas

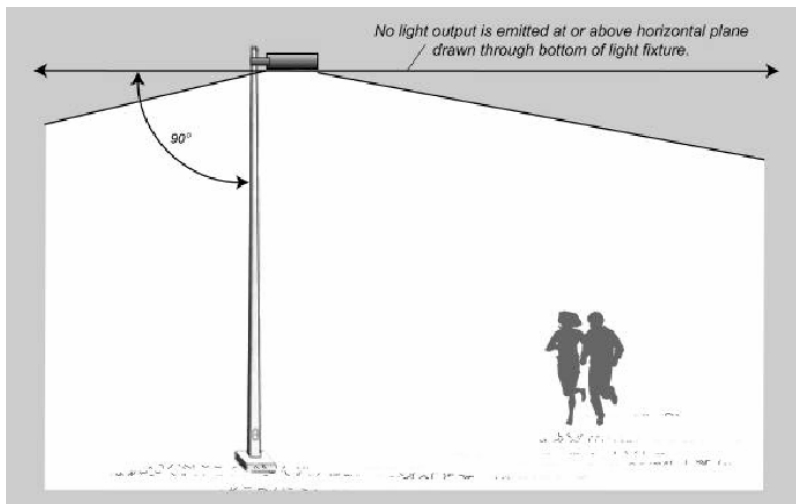
2. Installed shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this Article but shall not apply to those outdoor light fixtures installed prior to such date.
  3. Shielded, Fully shall mean fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture.
  4. Footcandle. A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.
  5. Full Cutoff Angle. The angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. Refer to example graphics. (Refer to Figure 1 in Article 9)
  6. Initial Lumens. The lumens emitted from a lamp, as specified by the manufacturer of the lamp.
  7. Lamp. The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.
  8. Lumen. A standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.
  9. Luminaire. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.
  10. Outdoor Luminaire. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.
  11. Photometric Plan. A point by point plan depicting the intensity and location of lighting on the property.
-

## 9-1005

## Shielding

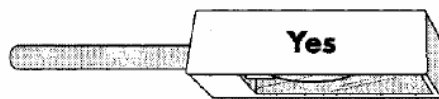
All outdoor light fixtures except those exempted by Section 9-1007 and those regulated by Section 9-1006.2 shall be fully shielded as identified in Section 9-1006. A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is defined as an outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures. The light source visibility shall be shielded from the adjoining property.

**Figure 1: Fully Shielded Outdoor Light Fixture**

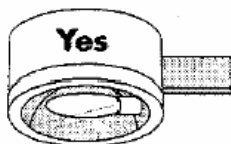


Source: Fairfax County, Virginia Zoning Ordinance (June 2003)

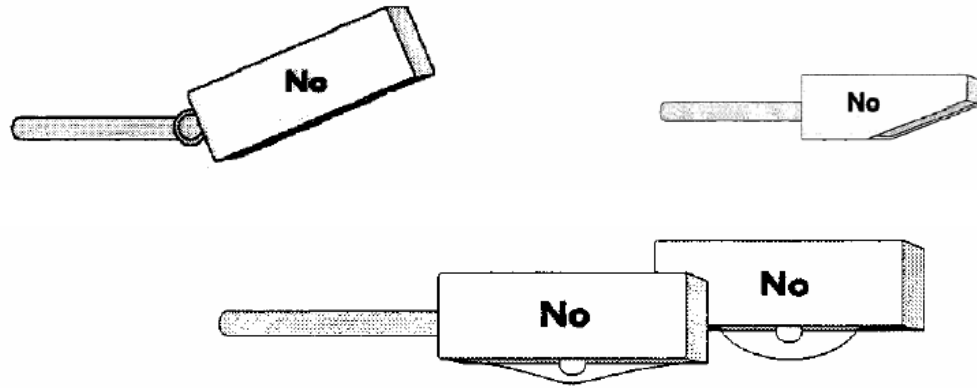
**Figure 2: Illustrations of Full Cut-Off Outdoor Light Fixtures**



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures are available in many styles.



Same fixture as above mounted incorrectly – defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce unlight at steeper mounting angles.



Known as just "Cutoff" Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

Source: The Hailey, Idaho Outdoor Lighting Ordinance provisions of the Zoning Ordinance, August 2002, Figure 1.

## 9-1006

### General Requirements for all Uses ~~Zoning Districts~~

1. Public or Private Recreational Facilities. Outdoor nighttime recreational events have unique and site specific lighting needs. The regulations in this section are intended to permit adequate illumination for such events, while minimizing sky-glow, reducing glare and lighting spillover onto surrounding streets and properties.
  - a. Primary Playing Areas with the exception of residential accessory uses.
    - (1) Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area. Direct illumination shall be confined to within the property lines of the recreational use. Full light cutoff shall be required. No lighting shall be emitted above the horizontal plane of the luminaire, and the average maintained illumination levels must be within the parameters of the activity recommended by the Illumination Engineering Society of North America (IESNA).
    - (2) A sports complex or athletic field lighting design plan shall be submitted, which demonstrates in detail the proposed lighting installation.
  - b. For each athletic field or complex to be illuminated, a lighting design plan shall be submitted which demonstrates in detail the property lighting installation. The design plan shall include the lighting requirements for each sports field,

the specifications and technical measures showing how those requirements will be achieved. Special tree planting and/or buffering to assist in light control and protection of adjacent properties and roadways shall be included. Parking lot lighting requirements are included in Section 9-1006, 5., and entitled All Parking Lots, Loading and Display Areas.

- c. Outdoor recreational lighting is not permitted in the Rural Conservation (RC) Zoning Districts or within 1,000 feet from the Rural Conservation (RC) zoning line.
- d. All applications for lighted outdoor recreational facilities shall include a computer generated light level grid in conjunction with a site plan for the proposed field and associated facilities.
- e. A certified lighting designer or manufacturer's representative shall evaluate the completed installation and shall certify that the installation meets the shielding, illumination and light standards contained herein.
- f. Event Hours. All events shall be scheduled so as to complete all activity before or as near to 11:00 p.m. as practical, but under no circumstances shall any illumination of the playing field, court or track be permitted after 11:00 p.m. except to conclude an event that was reasonably scheduled to conclude prior to 11:00 p.m. No event shall be permitted after 11:00 p.m., unless a valid permit is issued by the Director of Parks and Recreation in accordance with the Fauquier County Code.

All newly lighted fields, or existing fields being upgraded or refitted, (public or private) shall be equipped with override timing devices which will automatically cut off the lights to ensure curfew compliance.

- g. A modification, waiver or variation from the standards set forth in this article may be granted by the Board of Supervisors, with Planning Commission recommendation. Both the Board of Supervisors and the Planning Commission shall hold a public hearing on the proposed modification, waiver or variation.

The Board of Supervisors may modify or waive any standard set forth in Article 9 for an individual case, and it may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of these outdoor recreational lighting regulations, in either of the following circumstances:

- (1) Upon finding the strict application of the standard would not forward the purposes of this chapter, or that

alternatives proposed by the applicant would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.

- (2) Upon finding that any outdoor fixture, or system of outdoor fixtures, required for an athletic field cannot reasonably comply with the standard and provide safe and sufficient illumination of the field, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America for that type of field or activity.

- h. Required Notice for Public Hearing, Written Notice to Applicant/Owners and Written Notice to Adjacent Property Owners shall be in accord with Section 13-111 4. of the Zoning Ordinance for all requests to modify, waive or vary the light requirements as set forth in this section.

- 2. ~~Outdoor Illumination of Building, Landscaping and Signs. The unshielded outdoor illumination of any building or landscaping is prohibited. Lighting fixtures used to illuminate an outdoor advertising sign either shall be by directed ground lighting sign or mounted on the top of the sign, and shall comply with shielding requirements.~~ Outdoor lighting of buildings, landscaping, signs, flags, statues and other objects shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. No light from any illuminated sign shall cause or direct non-reflected light from the fixture to shine onto any adjoining property or public right-of-way.

**Figure 3: Architectural/Landscaping Lighting Examples**



Lighting used for architectural/landscaping lighting shall be aimed and controlled so that light is confined, as much as possible, to the objects that are intended to be lit.

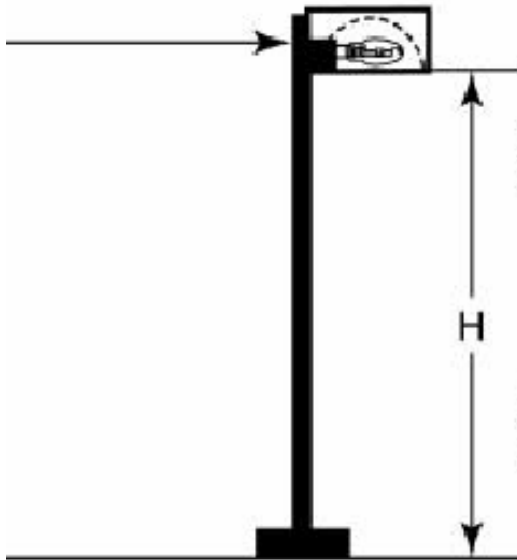
Source: Fairfax County, Va. Zoning Ordinance, June 2003, Illustration 4, Plate 2

3. All outdoor lighting fixtures, including display lighting, shall be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be reduced by the minimum level necessary.
4. Outdoor Areas, including Parking Lots, Loading, Sales and Display Areas. This lighting requirement applies to townhouse and multi-family, educational, institutional, commercial recreation, public, commercial business and retail, motor vehicle related, wholesaling, and limited and general industrial use categories identified within the Zoning Ordinance.
  - a. Lighting for all parking, display and loading areas shall not exceed an average horizontal illumination level of 2.5 footcandles. All lighting fixtures serving these areas shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA);
  - b. Maximum Mounting Height\*

Residential:	20 feet
Non-Residential:	25 feet

\* Height is measured from the ground surface to the bottom of the lighting fixture.

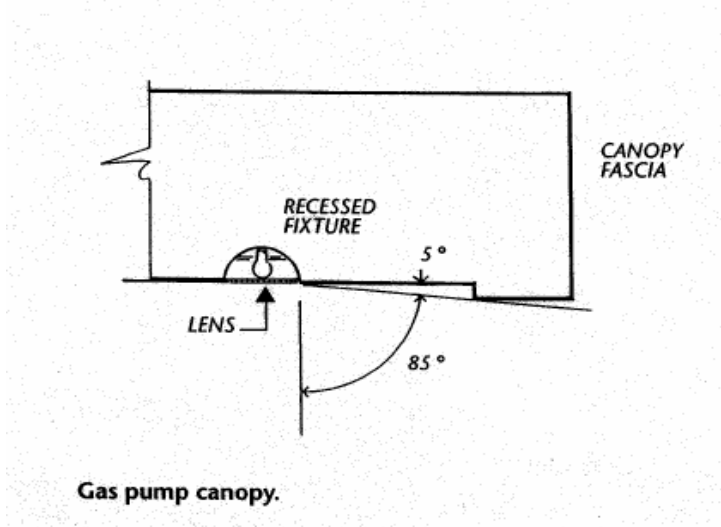
**Figure 4: Mounting Height**



Source: Fairfax County, Va. Zoning Ordinance, June 2003, Illustration 4, Plate 4

5. Gasoline Station/Convenience Store Aprons and Canopies.
  - a. The Lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical as shown in Figure 5.

**Figure 5: Gasoline Station/Convenience Store Canopies**



Source: Outdoor Lighting Manual for Vermont Municipalities, Chittendon County Regional Planning Commission, May 1996, PTI Publications Center (Publication Order Number DG/95-308).



- b. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.
  - c. Lights shall not be mounted on the top or sides (facial) of the canopy and the sides of the canopy shall not be illuminated.
  - d. The lighting for new facilities (pump islands and under canopies) shall have a minimum of 1.0 footcandle at grade, and the average horizontal illumination cannot exceed 10 footcandles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than 4:1. The standards herein are based on the Illuminating Engineering Society of North America (IESNA) RP-33, Lighting for Exterior Environments.
- 6. Mercury Vapor. The installation of mercury vapor fixtures is prohibited, except for agricultural buildings, paddocks and similar use areas in RA and RC zoning districts. For residential structures on agricultural property, lighting must be full cut-off fixtures, or retrofitted with, for example, the Hubble Sky Cap and illumination shielded downward.
  - 7. Spillover light, vertical or horizontal, from parking area luminaires onto public roads and property in residential or rural Rural Agricultural (RA) and Rural Conservation (RC) zoning districts shall not exceed one-half (1/2) footcandle at the property line.

## 9-1007

### **Exemptions**

- 1. Nonconforming Fixtures. Outdoor light fixtures installed prior to the effective date of this Article are exempt from the provisions of this Article, provided, however, that no change in use, and no replacement, and structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of a fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output.
- 2. Lighting which is not subject to this chapter by state or federal law.

3. Roadway and Airport lighting and security lighting controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less.
4. Lighting of the United States of America or Commonwealth of Virginia flags and other non-commercial flags expressing constitutionally protected speech.
5. Temporary circus, fair, carnival, or civic uses.
6. Special Conditions. The Zoning Administrator may grant an exemption to the requirements of Section 9-1006 only upon a written finding that there are conditions warranting the exemption and that there are no conforming fixtures that would suffice.
7. Construction and Emergency Lighting. Lighting necessary for construction or emergencies is exempt from the provisions of this Article provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
8. Lighting associated with agricultural use structures, such as a barn, paddock area. Residential buildings and parking associated with a farm or other agricultural uses are not exempted from the lighting requirements contained herein.

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## **PART 10**

### **8-1000**

### **PROHIBITED SIGNS**

1. No sign or other device which simulates any traffic control sign, light or device, or which is located in such a manner as to obstruct or interfere with free and clear vision on any public right-of-way, entrance way or parking area, or interfere with, mislead or confuse traffic on any public right-of-way, entrance way or parking areas shall be erected or maintained in any location where it prevents or impedes free ingress or egress through any door, window or fire escape route.
2. Except as provided in Article 10, no person shall erect or display any sign upon, or projecting over, any public street, highway, alley, sidewalk or other public right-of-way, except that wall signs may project eighteen (18) inches over public right-of-way unless such projection would cause hazard to pedestrian or vehicular traffic. Any sign erected or displayed in violation of this provision shall be immediately removed by the Zoning Administrator of Fauquier County or his authorized representative, except those signs which may lawfully be in existence at the time this Article is adopted, in which

case they are subject to Article 10 of the Zoning Ordinance of Fauquier County.

3. Animated signs are prohibited.
4. Roof signs are prohibited except as specifically allowed herein and then only those which meet the following criteria:
  - A. Such signs must be in the same plane with one exterior wall of the building and must adjoin the top of the wall; and
  - B. Such signs' maximum height must be not more than three (3) feet above the lowest point of the roof of the building; or
  - C. A roof sign may be erected on a parapet wall but only if such sign shall not extend more than three (3) feet above the lowest point of the roof of such building.
5. Billboards are prohibited.
6. Freestanding signs in which the long dimension exceeds the short dimension by a ratio of 3:1 are prohibited, unless sign is less than four (4) feet in height and set back from the property line a minimum of fifteen (15) feet, in which case the ratio shall not exceed 20:1.
7. No sign may be painted directly onto the exterior surface of any building.
8. Any arrangement by exposed tubing or a series of lights in rows, strings, patterns or designs that outline or are affixed to any portion of a building or structure. This prohibition does not apply to exposed tubing or lights which are an integral part of an approved sign or sign structure; nor does this prohibition preclude those seasonal displays or decorations as permitted by the provisions of 8-301.19.
9. Exterior neon signs are prohibited.

## **PART 15**

### **8-1500**

### **COMMERCIAL ZONES AND INDUSTRIAL ZONES**

#### **8-1501**

1. Total Sign Area:
  - A. In areas zoned as designated Villages: on properties housing only one (1) tenant, the total maximum allowable sign area will not exceed two (2) square feet of area for each of the first twenty-five

(25) linear feet of building frontage. No total sign area, however, shall exceed seventy-five (75) square feet in area.

B. Outside areas zoned as designated Villages:

(1) Fronting a primary highway: on properties housing only one (1) tenant, the total maximum allowable sign area will not exceed two (2) square feet of area for each of the first fifty (50) linear feet of building frontage, plus one (1) square foot of sign area for each linear foot over fifty (50) linear feet of building frontage. No total sign area, however, shall exceed 150 square feet in area.

(2) On properties housing more than one (1) tenant, A or B above will apply to the frontage allocable to each tenant.

2. Permitted Signs:

A. Temporary signs.

B. Directional signs.

C. Roof signs.

D. Arcade signs.

E. Wall signs.

F. Building mounted signs.

G. Theater signs: Signs advertising the acts or features to be given in a movie theater or theater may be displayed on permanent frames erected on theater buildings; provided that the bottom of such frame erected flat against a wall may not be less than ten (10) feet above the sidewalk, alley or parking area; and provided further than when the area of such frame facing a street, alley or parking area does not exceed twenty-four (24) square feet and the area of all such frames facing such street, alley or parking area does not exceed forty-eight (48) square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.

H. Pole signs: Gasoline Service Station. All other provisions of this Article notwithstanding, each and every automobile gasoline service station shall be permitted to have one pole sign not to exceed twenty (20) feet in height. Whenever a pole sign is erected or maintained under this provision, no additional freestanding or

pole sign of any type shall be permitted on the same premises. A permitted pole sign shall only display the principal trademark symbol, name or other identifying design and/or the words "gas" or "gasoline", and no other signs, identification or advertisements shall be erected thereon. Pole sign area shall not exceed fifty (50) square feet and shall be deducted from the total sign area permitted. No temporary signs or any other form of advertising shall be maintained on any automobile service station premises with the exception of the following types which shall have the area of each deducted from the total sign area permitted in this subsection:

- (1) A building sign utilizing the trademark, symbol, name or other identifying design.
- (2) Temporary placards or posters displayed on the outside surface of gasoline pumps, advertising special products, grades of gasoline, oil or service.
- (3) One freestanding sign not to exceed ten (10) square feet for the purpose of displaying the price of fuel or other products or services. No part of said sign shall exceed three (3) feet in height; or four (4) feet in height if set back a minimum of ten (10) feet from the property line.

The following customary advertisements and identifications shall not be deducted from the sign area permitted in this Section:

- (4) A single sign identifying the name of the owner, a proprietor or manager, the address of the property and the telephone number, not to exceed a total area of two and one-half (2 1/2) square feet.
- (5) Vending machines that dispense or offer for sale any products or services provided that such machines are grouped together in a permanent structure, enclosed on at least three (3) sides.
- (6) Signs identifying the special functions of various service bays or areas may be erected on the building facade above the doorways, with the lowest portion of such signs being no lower than the highest point of doorways and containing no advertising.
- (7) Temporary paper, cardboard or plastic show window signs.

- I. Tube Illuminated Sign: One such sign per establishment is allowed if displayed in the window and the size is restricted to a maximum of 4 square feet in size.

3. General Regulations:

- A. Building-mounted signs may be located anywhere on the surface of the building and may project not more than eighteen (18) inches therefrom; except, that signs may be projecting signs if they do not project into any minimum required yard or do not project beyond the street line or nearer than two (2) feet from any curb line.
- B. No roof mounted sign shall extend more than two (2) feet above the lowest point of the roof, except, that where there is a structural or functional part of the building extending above the roof such as a parapet, chimney, mullion, mansard or other such architectural embellishment.
- C. Signs may be on the vertical face of a marquee, but shall not project below the lower edge of the marquee. The bottom of the marquee sign shall be no less than ten (10) feet above a walkway or grade at any point. No part of the sign shall extend above the vertical marquee face, and no such sign shall exceed seven (7) feet in height.
- D. Canopy, Awning or Marquee: No entrance canopy or awning shall bear any advertisement, lettering or symbol other than the name of the owner or proprietor of the business and its street address. Marquees shall bear no structure weight of the building and shall support no structure, utility shed or other facility, except a sign of not more than three (3) feet in height identifying the premises by name, address or name of business may be erected above a marquee. When such additional sign is erected, the area shall be added to the area of the display surfaces of the marquee in determining the total sign area.
- E. The area of any sign hung, placed or displayed on a marquee, canopy or portico or any roof or parapet wall sign or any arcade sign or any projecting sign shall be included in determining the total area of signs erected or displayed under this section.
- F. The location of all freestanding signs, where permitted, in no instance shall project beyond any property line nor be within two (2) feet of the curb line of a service drive or travel lane or adjoining street.

- G. Unless further restricted by the provisions that follow, no freestanding sign shall exceed a height of twenty (20) feet above ground level, including its supports.
- H. All signs shall have a minimum clearance of ten (10) feet above a walkway and fourteen (14) feet above a driveway or alley.
- I. Signs shall be limited to identifying or advertising the property, the individual enterprise, the products, services or the entertainment available on the same property where the sign is located. Temporary signs announcing events sponsored by civic and other nonprofit organizations may be displayed for no longer than thirty (30) days. These signs are not to be deducted from the total allowable sign area of a premise.
- J. Freestanding signs shall be permitted only as follows:
  - (1) One for each street frontage shall be permitted for a shopping center which shall not exceed seventy-five (75) square feet for each sign.
  - (2) One for each individual enterprise or group of enterprises not constituting a shopping center where the building is set back at least twenty-five (25) feet from the front lot line. A maximum of fifty (50) square feet will be permitted.
  - (3) Freestanding signs as may be reasonably necessary to indicate "entrance" and "exit" to places of business shall be allowed provided that such sign shall not exceed two (2) square feet in area and provided that such signs include only the words "entrance" and "exit". Such sign shall not exceed three (3) feet above ground level.
  - (4) One free standing sign shall be allowed in commercial and industrial zones not exceeding five feet by four feet in area for the purpose of identifying the use by name, address, use description and telephone number. The sign shall be located on the lot upon which the use is located or upon any lot which is adjacent to the lot upon which the use is located, provided that the adjacent lot is owned by the same owner of the lot upon which the use is located. Any sign located on an adjacent lot under the authority of this subsection shall be in lieu of any other sign permitted under this Section.
- K. Service stations may be allowed one (1) additional square foot of sign on each gasoline pump for the purpose of identifying the specific product dispensed from that pump.

- L. No sign other than the one indicated on the sign application shall be attached to a freestanding sign.
- M. No portion of a freestanding sign shall be constructed to a height greater than twenty (20) feet above the grade level of the property on which the sign is erected. The lower edge of the sign face of a freestanding or pole sign shall be at least ten (10) feet above the grade level of the base of the sign if erected or maintained within fifteen (15) feet of the curb line of any roadway. No freestanding sign shall be nearer than two (2) feet to any building or other structure and shall be set back from the side and rear property lines, the same as indicated in the zoning district in which located.
- N. Real Estate, Contractors, Subcontractor and Directional Signs: Real estate, contractors, subcontractors and directional signs shall be permitted in any commercial/industrial zone subject to the following provisions:
- (1) Real Estate Signs: One sign, not exceeding six (6) square feet nor six (6) feet in height, for the purpose of advertising the sale, lease or future use when erected or displayed on the property so advertised. Sign, with area not to exceed twelve (12) square feet, or ten (10) feet in height, shall be permitted when such signs are set back at least fifty (50) feet from the front lot line.
  - (2) Contractor's and Subcontractor's Signs: One contractor's sign, not exceeding twelve (12) square feet in area, and one sign for each subcontractor, not exceeding four (4) square feet in area, when erected or displayed on the premises upon which building operations are being conducted; provided that such signs shall be removed upon completion of the work. Height of freestanding sign shall not exceed ten (10) feet for contractor's sign and six (6) feet for subcontractor.
  - (3) Directional Signs: Directional signs are prohibited except those limited to the sales or rental of real estate which shall be used only for the purpose of indicating the location of the property to be sold or rented and except those directional signs used to indicate the location of a church or place of worship or hospital or similar medical institution or historical sites. Two such directional signs, not exceeding two (2) square feet, each six (6) feet tall, are allowed in every district provided that the following conditions are met:



- a. A statement from the owner(s) of the property indicating the consent of the property owner to the erection of the sign shall be filed with the Zoning Administrator.
  - b. In the case of real estate directional signs, a statement from the individual erecting the sign as to the length of time (not exceeding ninety (90) days) that the sign will remain posted shall be filed with the Zoning Administrator.
- (4) In addition to (3)a., (3)b. and (3)c. above, a maximum of two (2) directional signs will be allowed per commercial or industrial establishment, including farms from which products are retailed directly to customers provided that:
- a. A special permit is obtained.
  - b. The establishment is not located on a primary highway.
  - c. The sign contains only the name of the establishment and a directional arrow.

O. Illumination Limitations.

- (1) The average illumination on the face or vertical surface of any sign shall not exceed 1(one) foot-candle.
- (2) A sign shall consist of light lettering, symbols and logo on an opaque or dark colored background only. Light sources internally illuminating signs shall be carefully located, aimed and shielded so that light is directed onto the message only. Shielding shall be accomplished with architectural elements and/or specific lighting components, such as shields or louvers within the sign. Lettering or symbols shall constitute no more than forty percent of the surface area of the sign.
- (3) Illuminated signs shall not be located within 50 feet of a residential or rural zoning district boundary. Illumination of any advertising sign in a commercial or industrial district located within three hundred (300) feet of any residential or rural district, shall be extinguished between the hours of 12:00 midnight and 7:00 a.m. except for any time during that period when the use is open for business.

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 15-1301 IN ORDER TO ADD SOUNDPROOFING AND ODOR REQUIREMENTS FOR KENNELS LOCATED IN THE R-1/RESIDENTIAL DISTRICT**

A public hearing was held to consider a proposed Zoning Ordinance text amendment regarding the addition of soundproofing and odor requirements for kennels located in the R-1/Residential District. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**ORDINANCE**

**AN ORDINANCE ADOPTING A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-1301 CONCERNING STANDARDS FOR KENNELS**

WHEREAS, on November 18, 2004, the Planning Commission held a public hearing on the issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on December 9, 2004, the Fauquier County Board of Supervisors held a public hearing on the proposed text amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with the adopted Comprehensive Plan, consistent with good zoning practices, and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of December 2004, That Section 5-131 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

**5-1301      Additional Standards for Kennels**

1.      The minimum lot size requirement shall be two (2) acres, except in the R-1 zoning district, where the minimum lot size shall be twenty (20) acres.
2.      a.      In all zoning districts other than R-1/Residential, no structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed, ~~and constructed,~~

and maintained so that there will be no emission of odor or noise detrimental to other properties in the area.

- b. In the R-1/Residential zoning district, all dog confinement areas and dog runs shall be located within enclosed structures, adequately soundproofed, constructed, and maintained so that there will be no emission of odor or noise detrimental to other properties in the area, and no such structure shall be located closer than 200 feet to any lot line.
3. All dogs shall be kept in pens designed and maintained for secure confinement.
4. In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may preserve conditions with respect thereto.
5. Maximum of ten (10) dogs per acre.
6. Waste from operations must be collected and contained so as not to pollute the environment.

**SPECIAL EXCEPTION #SE03-S-26, FAUQUIER COUNTY, OWNER AND APPLICANT – NORTHERN FAUQUIER COUNTY SPORTS COMPLEX**

A public hearing was held to consider an application to obtain Special Exception approval under Category 20, which would allow for the construction and operation of an above-ground water storage tank and sanitary sewer pump station. The property is located at the northeast corner of John Marshall Highway (Route 55) and Whiting Road (Route 622), Scott District, further identified as PIN #6070-40-3474. Rick Carr, Director of Community Development, and Ron Mabry, Project Manager, summarized the application. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone a decision on the matter until the next regular meeting on January 13, 2005. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS AND RENEWALS - 3RD RENEWAL OF THE MARSHALL/WARRENTON DISTRICT**

A public hearing was held to consider Agricultural and Forestal District Additions and Renewals - 3rd Renewal of the Marshall/Warrenton District, with the following addition: Raymond G. Fox, Trustee, requesting to add 373 acres, further identified as PINs #6966-99-7575, #6976-08-8738, #6966-97-7397, #6966-97-1253, #6966-86-9146, #6966-77-7324, #6966-76-5874, #6966-76-2074, #6966-68-7155, #6966-56-9989, #6966-66-4380, #6966-56-2031, #6966-54-8974, and #6966-44-9971, located in Marshall District. The Planning Commission recommended approval of this addition, subject to conditions. Kimberley Johnson, Zoning Administrator, summarized the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to postpone a decision on the matter until the next regular meeting on January 13, 2005. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS AND RENEWALS - 3RD RENEWAL OF THE ORLEAN/HUME DISTRICT**

A public hearing was held to consider Agricultural and Forestal District Additions and Renewals - 3rd Renewal of the Orlean/Hume District, with the following additions: (1) Jerome F. and Marjorie Prochaska, requesting to add 5.2519 acres, further identified as PIN #6935-69-5415, located in Marshall District; and (2) Gretchen Yahn, requesting to add 55 acres, further identified as PINs #6927-57-7016 and #6927-56-8482, located in Marshall District. The Planning Commission and the Agricultural and Forestal Advisory Committee recommended approval of this addition, subject to conditions. Kimberley Johnson, Zoning Administrator, summarized the applications. No one else spoke. The public hearing was closed. Mr. Atherton moved to postpone a decision on the matter until the next regular meeting on January 13, 2005. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS AND RENEWALS - 3RD RENEWAL OF THE PLAINS DISTRICT, WITH THE FOLLOWING ADDITION**

A public hearing was held to consider Agricultural and Forestal District Additions and Renewals - 3rd Renewal of The Plains District, with the following addition: Andrea B. Currier,

requesting to add 152 acres, further identified as PIN #7000-55-1219, located in Scott District. The Planning Commission and the Agricultural and Forestal Advisory Committee recommended approval of this addition, subject to conditions. Kimberley Johnson, Zoning Administrator, summarized the applications. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone a decision on the matter until the next regular meeting on January 13, 2005. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

With no further business, the meeting was adjourned at 8:07 PM, to reconvene on January 6, 2005.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on December 9, 2004.*

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*G. Robert Lee*  
*Clerk to the Board of Supervisors*